



General Assembly

***Substitute Bill No. 6325***

*January Session, 2011*

\*       HB06325HS             051111       \*

***AN ACT CONCERNING JUVENILE REENTRY AND EDUCATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 10-186 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective July 1, 2011*):

3       (a) Each local or regional board of education shall furnish, by  
4       transportation or otherwise, school accommodations so that each child  
5       five years of age and over and under twenty-one years of age who is  
6       not a graduate of a high school or vocational school may attend public  
7       school, except as provided in section 10-233c, and subsection (d) of  
8       section 10-233d, as amended by this act. Any board of education which  
9       denies school accommodations, including a denial based on an issue of  
10      residency, to any such child shall inform the parent or guardian of  
11      such child or the child, in the case of an emancipated minor or a pupil  
12      eighteen years of age or older, of his right to request a hearing by the  
13      board of education in accordance with the provisions of subdivision (1)  
14      of subsection (b) of this section. A board of education which has  
15      denied school accommodations shall advise the board of education  
16      under whose jurisdiction it claims such child should be attending  
17      school of the denial. For purposes of this section, (1) a "parent or  
18      guardian" shall include a surrogate parent appointed pursuant to  
19      section 10-94g, and (2) a child residing in a dwelling located in more  
20      than one town in this state shall be considered a resident of each town

21 in which the dwelling is located and may attend school in any one of  
22 such towns. For purposes of this subsection, "dwelling" means a single,  
23 two or three family house or a condominium unit.

24 (b) (1) If any board of education denies such accommodations, the  
25 parent or guardian of any child who is denied schooling, or an  
26 emancipated minor or a pupil eighteen years of age or older who is  
27 denied schooling, or an agent or officer charged with the enforcement  
28 of the laws concerning attendance at school, may, in writing, request a  
29 hearing by the board of education. The board of education may (A)  
30 conduct the hearing, (B) designate a subcommittee of the board  
31 composed of three board members to conduct the hearing, or (C)  
32 establish a local impartial hearing board of one or more persons not  
33 members of the board of education to conduct the hearing. The board,  
34 subcommittee or local impartial hearing board shall give such person a  
35 hearing within ten days after receipt of the written request, make a  
36 stenographic record or tape recording of the hearing and make a  
37 finding within ten days after the hearing. Hearings shall be conducted  
38 in accordance with the provisions of sections 4-176e to 4-180a,  
39 inclusive, and section 4-181a. Any child, emancipated minor or pupil  
40 eighteen years of age or older who is denied accommodations on the  
41 basis of residency may continue in attendance in the school district at  
42 the request of the parent or guardian of such child or emancipated  
43 minor or pupil eighteen years of age or older, pending a hearing  
44 pursuant to this subdivision. The party claiming ineligibility for school  
45 accommodations shall have the burden of proving such ineligibility by  
46 a preponderance of the evidence, except in cases of denial of schooling  
47 based on residency, the party denied schooling shall have the burden  
48 of proving residency by a preponderance of the evidence.

49 (2) Any such parent, guardian, emancipated minor, pupil eighteen  
50 years of age or older, or agent or officer, aggrieved by the finding shall,  
51 upon request, be provided with a transcript of the hearing within  
52 thirty days after such request and may take an appeal from the finding  
53 to the State Board of Education. A copy of each notice of appeal shall

54 be filed simultaneously with the local or regional board of education  
55 and the State Board of Education. Any child, emancipated minor or  
56 pupil eighteen years of age or older who is denied accommodations by  
57 a board of education as the result of a determination by such board, or  
58 a subcommittee of the board or local impartial hearing board, that the  
59 child is not a resident of the school district and therefore is not entitled  
60 to school accommodations in the district may continue in attendance in  
61 the school district at the request of the parent or guardian of such child  
62 or such minor or pupil, pending a determination of such appeal. If an  
63 appeal is not taken to the State Board of Education within twenty days  
64 of the mailing of the finding to the aggrieved party, the decision of the  
65 board, subcommittee or local impartial hearing board shall be final.  
66 The local or regional board of education shall, within ten days after  
67 receipt of notice of an appeal, forward the record of the hearing to the  
68 State Board of Education. The State Board of Education shall, on  
69 receipt of a written request for a hearing made in accordance with the  
70 provisions of this subsection, establish an impartial hearing board of  
71 one or more persons to hold a public hearing in the local or regional  
72 school district in which the cause of the complaint arises. Members of  
73 the hearing board may be employees of the Department of Education  
74 or may be qualified persons from outside the department. No member  
75 of the board of education under review nor any employee of such  
76 board of education shall be a member of the hearing board. Members  
77 of the hearing board, other than those employed by the Department of  
78 Education, shall be paid reasonable fees and expenses as established  
79 by the State Board of Education within the limits of available  
80 appropriations. Such hearing board may examine witnesses and shall  
81 maintain a verbatim record of all formal sessions of the hearing. Either  
82 party to the hearing may request that the hearing board join all  
83 interested parties to the hearing, or the hearing board may join any  
84 interested party on its own motion. The hearing board shall have no  
85 authority to make a determination of the rights and responsibilities of  
86 a board of education if such board is not a party to the hearing. The  
87 hearing board may render a determination of actual residence of any  
88 child, emancipated minor or pupil eighteen years of age or older

89 where residency is at issue.

90 (3) The hearing board shall render its decision within forty-five days  
91 after receipt of the notice of appeal except that an extension may be  
92 granted by the Commissioner of Education upon an application by a  
93 party or the hearing board describing circumstances related to the  
94 hearing which require an extension.

95 (4) If, after the hearing, the hearing board finds that any child is  
96 illegally or unreasonably denied schooling, the hearing board shall  
97 order the board of education under whose jurisdiction it has been  
98 found such child should be attending school to make arrangements to  
99 enable the child to attend public school. Except in the case of a  
100 residency determination, the finding of the local or regional board of  
101 education, subcommittee of such board or a local impartial hearing  
102 board shall be upheld unless it is determined by the hearing board that  
103 the finding was arbitrary, capricious or unreasonable. If such school  
104 officers fail to take action upon such order in any case in which such  
105 child is currently denied schooling and no suitable provision is made  
106 for such child within fifteen days after receipt of the order and in all  
107 other cases, within thirty days after receipt of the order, there shall be a  
108 forfeiture of the money appropriated by the state for the support of  
109 schools amounting to fifty dollars for each child for each day such  
110 child is denied schooling. If the hearing board makes a determination  
111 that the child was not a resident of the school district and therefore not  
112 entitled to school accommodations from such district, the board of  
113 education may assess tuition against the parent or guardian of the  
114 child or the emancipated minor or pupil eighteen years of age or older  
115 based on the following: One one-hundred-eightieth of the town's net  
116 current local educational expenditure, as defined in section 10-261, per  
117 pupil multiplied by the number of days of school attendance of the  
118 child in the district while not entitled to school accommodations  
119 provided by that district. The local board of education may seek to  
120 recover the amount of the assessment through available civil remedies.

121 (c) In the event of an appeal pursuant to section 10-187 from a

122 decision of a hearing board established pursuant to subsection (b) of  
123 this section, upon request, the State Board of Education shall supply  
124 for the fee per page specified in section 1-212, a copy of the transcript  
125 of the formal sessions of the hearing board to the parent or guardian or  
126 emancipated minor or a pupil eighteen years of age or older and to the  
127 local or regional board of education.

128 (d) (1) For the school year commencing July 1, 2010, if a child sixteen  
129 years of age or older voluntarily terminates enrollment in a school  
130 district and subsequently seeks readmission, the local or regional  
131 board of education for the school district may deny school  
132 accommodations to such child for up to ninety school days from the  
133 date of such termination, unless such child seeks readmission to such  
134 school district not later than ten school days after such termination in  
135 which case such board shall provide school accommodations to such  
136 child not later than three school days after such child seeks  
137 readmission.

138 (2) For the school year commencing July 1, 2011, and each school  
139 year thereafter, if a child seventeen years of age or older voluntarily  
140 terminates enrollment in a school district and subsequently seeks  
141 readmission, the local or regional board of education for the school  
142 district may deny school accommodations to such child for up to  
143 ninety school days from the date of such termination, unless such child  
144 seeks readmission to such school district not later than ten school days  
145 after such termination in which case such board shall provide school  
146 accommodations to such child not later than three school days after  
147 such child seeks readmission.

148 (e) A local or regional board of education shall immediately enroll  
149 any student who transfers from Unified School District #1 or Unified  
150 School District #2. In the case of a student who transfers from Unified  
151 School District #1 or Unified School District #2 to the school district in  
152 which such student attended school prior to enrollment in Unified  
153 School District #1 or Unified School District #2, such student shall be  
154 enrolled in the school such student previously attended, provided such

155 school has the appropriate grade level for such student.

156 Sec. 2. Section 10-220h of the general statutes is repealed and the  
157 following is substituted in lieu thereof (*Effective July 1, 2011*):

158 When a student enrolls in a school in a new school district or in a  
159 new state charter school, the new school district or new state charter  
160 school shall provide written notification of such enrollment to the  
161 school district in which the student previously attended school or the  
162 state charter school the student previously attended not later than two  
163 business days after the student enrolls. The school district in which the  
164 student previously attended school or the state charter school that the  
165 student previously attended (1) shall transfer the student's education  
166 records to the new school district or new state charter school no later  
167 than ten days after receipt of such notification, and (2) if the student's  
168 parent or guardian did not give written authorization for the transfer  
169 of such records, shall send notification of the transfer to the parent or  
170 guardian at the same time that it transfers the records. In the case of a  
171 student who transfers from Unified School District #1 or Unified  
172 School District #2, the new school district or new state charter school  
173 shall provide written notification of such enrollment to Unified School  
174 District #1 or Unified School District #2 not later than ten days after  
175 the date of enrollment. [, the] The unified school district shall, not later  
176 than ten days after receipt of notification of enrollment from the new  
177 school district or new state charter school, transfer the records of the  
178 student to the new school district or new state charter school and the  
179 new school district or new state charter school shall, not later than  
180 thirty days after receiving the student's education records, credit the  
181 student for all instruction received in Unified School District #1 or  
182 Unified School District #2.

183 Sec. 3. Subsection (l) of section 10-233d of the general statutes is  
184 repealed and the following is substituted in lieu thereof (*Effective July*  
185 *1, 2011*):

186 (l) (1) Any student who commits an expellable offense and is

187 subsequently committed to a juvenile detention center, the Connecticut  
 188 Juvenile Training School or any other residential placement for such  
 189 offense may be expelled by a local or regional board of education in  
 190 accordance with the provisions of this section. The period of expulsion  
 191 shall run concurrently with the period of commitment to a juvenile  
 192 detention center, the Connecticut Juvenile Training School or any other  
 193 residential placement.

194 (2) If a student who committed an expellable offense seeks to return  
 195 to a school district after having been in a juvenile detention center, the  
 196 Connecticut Juvenile Training School or any other residential  
 197 placement [for one year or more, the] and such student has not been  
 198 expelled by the local or regional board of education for such offense  
 199 under subdivision (1) of this subsection, the local or regional board of  
 200 education for the school district to which the student is returning shall  
 201 allow such student to return and may not expel the student for  
 202 additional time for such offense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2011	10-186
Sec. 2	July 1, 2011	10-220h
Sec. 3	July 1, 2011	10-233d(l)

**ED** Joint Favorable Subst.

**JUD** Joint Favorable

**HS** Joint Favorable